

### **REMARKS/ARGUMENTS**

This Amendment and the following remarks are intended to fully respond to the non-final Office Action dated June 19, 2009, hereinafter "Office Action." In that Office Action, claims 33-56 were examined and all claims were rejected. Specifically, claims 34-40, 42-48, and 50-56 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 40, 47-48, and 55-56 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Claims 33-38, 41-46, and 49-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bunney, William* (U.S. Pat. No. 6,487,584; hereinafter "Bunney") in view of *Shah et al.* (U.S. Pat. No. 6,606,647; hereinafter "Shah"). Claims 39 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney in view of Shah and in further view of *Aravamudan et al.* (U.S. Pat. No. 6,301,609; hereinafter "Aravamudan"). Claims 40, 47, 48, and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney in view of Shah and Aravamudan and in further view of "official notice."

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. In this Amendment, claims 33-35, 39-44, 47-51, and 55-56 have been amended, and no claims have been canceled or added. Therefore, claims 33-56 remain present for examination.

Applicants submit that claim amendments are supported throughout the specification, and in the claims as originally filed, and do not introduce new matter. For instance, the amendments are supported by at least the following sections of the Specification:

- (1) [T]he presence information of a particular user is usually controlled by that user. (Specification, at 5, l. 5.)
- (2) If the status change is "Offline," then the status change is simply ignored and the current master view status is maintained *unless all of the other client views show a status of "Offline,"* in which case the master view 317 is changed to "Offline." (Specification, at 19, ll. 17-19; emphasis added.)
- (3) In the examples described herein, *the "Offline" status has the lowest priority, the "Idle" status has the next priority,* and the remaining statuses have the highest priority. (Specification, at 20, ll. 8-11; emphasis added.)

**Claim Rejections – 35 U.S.C. § 112**

Claims 34-40, 42-48, and 50-56 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 40, 47-48, and 55-56 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Specifically, the claims allegedly contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding the § 112, first paragraph, rejection, the limitations “a relative priority level,” “a master status identifier,” “a second master view,” “customizing the prioritized plurality of client status identifiers,” “a customized priority level,” and “user-defined client status identifiers” were allegedly not found in the specification.

Applicants respectfully traverse the above rejection and have amended the claims without prejudice in an effort to advance the claims toward allowance. Specifically, claims 34-40, 42-43, 45-48, and 50-56 have been amended to remove the above-mentioned language. In light of this amendment, Applicants respectfully request withdrawal of the rejection and allowance of claims 34-40, 42-43, 45-48, and 50-56. However, Applicants traverse the Office Action to the extent that it alleges that the limitation “user-defined client status identifiers,” as recited in claim 44, is not supported by the Specification. Specifically, the Specification notes:

- (1) “[T]he presence information of a particular user is usually controlled by that user,” (Specification, at 5, l. 5); and
- (2) “Each client . . . is able to change their respective status. Client 202 may decide to go to lunch and would change the status 203 to at-lunch” (Specification, at 14, ll. 12-13).

As such, “user-defined client status identifiers” are fully supported by the disclosure and Applicants respectfully request withdrawal of the rejection and allowance of claim 44 at the Examiner’s earliest convenience.

Regarding the § 112, second paragraph, rejection, there was allegedly insufficient antecedent basis for “the second master view” in claims 40, 47-48, and 56; and for “the first customized priority level,” “the second customized priority level,” “the updated client status identifier,” “the first master relative priority,” and “the updated relative priority level.”

Applicants respectfully traverse the above rejection and have amended the claims without prejudice in an effort to advance the claims toward allowance. Specifically, claims 40, 47-48, and 56 have been amended to provide proper antecedent basis, or to remove the above-mentioned limitations. In light of this amendment, Applicants respectfully request withdrawal of the rejection and allowance of claims 40, 47-48, and 56.

**Claim Rejections Under § 103(a) – Bunney in view of Shah**

Claims 33-38, 41-46, and 49-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney in view of Shah. Applicants respectfully traverse the § 103(a) rejections because either the Examiner failed to state a *prima facie* case of obviousness or the current amendments to the claims now render the Examiner’s arguments moot. To establish a *prima facie* case of obviousness, the references must teach or suggest each and every one of the claim elements to one of ordinary skill in the art at the time the invention was made. *See* MPEP §§ 2142, 2143.03; *In re Wilson*, 424 F.2d 1382, 1385 (C.C. P.A. 1970). In addition, *KSR International Company v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007), requires that there “must be some *articulated reasoning with some rational underpinning* to support the legal conclusion of obviousness” (emphasis added). Further, “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l Co.*, 127 S. Ct. at 1741. Applicants submit that Bunney fails to teach or suggest all of the claimed limitations and Shah fails to compensate for the deficiencies of Bunney.

The present application recites methods and systems “for updating presence information for a user on a network, wherein the user accesses the network via a first client device and a second client device,” as recited in claim 33. Specifically, the method comprises “*prioritizing a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is ordered from a lowest priority level to a highest priority level*” (emphasis added). Claim 33 further recites “receiving a first client status identifier from the first client device, wherein the first client status identifier is one of the plurality of client status identifiers” and “receiving a second client status identifier from the second client device, wherein the second client status identifier is one of the plurality of client status identifiers.” A first client view is then populated with the first client status identifier and a second client view is populated with the second client status identifier. The methods then “*determin[e] accurate presence information* for the user,” wherein determining the accurate presence information for the user comprises:

determining that the first client status identifier indicates the accurate presence information for the user *when the first client status identifier has a higher priority level than the second client status identifier* based on the prioritized plurality of client status identifiers;

determining that the second client status identifier indicates the accurate presence information for the user *when the second client status identifier has a higher priority level than the first client status identifier* based on the prioritized plurality of client status identifiers; and

determining that both the first client status identifier and the second client status identifier indicate the accurate presence information for the user *when the first client status identifier and the second client status identifier have a same priority level* based on the prioritized plurality of client status identifiers . . . .

Claim 33, emphasis added. A master view is then populated “with the accurate presence information for the user” and the presence information for the user is updated “with the accurate presence information.”

In contrast, Bunney relates to a “multiple personality” internet account system and discloses a solution to a problem occurring when a user is logged-in with one of several addresses (e.g. logged into one of a plurality of email accounts) and the user is not logged in using other addresses. (*Id.*) Specifically, Bunney teaches that a server intelligently (e.g., using a lookup-table) notifies the user at the account where the user is logged-in when, for example, the user receives an email at an account where the user is not logged-in. (*Id.*) Bunney also teaches that a logged-in user may have one of four statuses: available, invisible, away, or busy. (*Id.*) More specifically, the “invisible” status does not permit other users to know anything about the user’s online or offline status. (*Id.*) Finally, Bunney discloses that a user may place a “do not disturb” sign (e.g. a flash) on any of the user’s addresses. The server will notify the user at any of the addresses that include the “do not disturb” sign.

However, Bunney fails to provide or even mention “*prioritizing* a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is ordered from a lowest priority level to a highest priority level,” as recited in claim 33. Although the Examiner alleges that this limitation is taught wherein a user “*associate[s]* a ‘do not disturb sign’ for a limited number of his identities,” or by “*choose[s]* that he is completely invisible for predefined identities,” Applicants respectfully disagree. (Detailed Action, at 4; emphasis added.) Bunney in no way provides a method or system for “prioritizing” the client status identifiers of multiple client devices such that *the methods* may “determine” accurate presence information for the user by determining a higher client status identifier among the multiple client devices. Rather, Bunney discloses that the user “*associates*” in the first instance a particular profile with a particular identity. Thus, there is no evaluation or determination of “accurate” presence information for the user.

As such, Bunney fails to teach or suggest, *inter alia*, “*prioritizing* a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is *ordered from a lowest priority level to a highest priority level*,” “*determining accurate presence information for the user*, wherein determining the accurate presence information for the user comprises: determining that the first client status identifier indicates the accurate presence information for the user *when the first client status identifier has a higher priority level than the second client*

*status identifier* based on the prioritized plurality of client status identifiers; determining that the second client status identifier indicates the accurate presence information for the user *when the second client status identifier has a higher priority level than the first client status identifier* based on the prioritized plurality of client status identifiers; and determining that both the first client status identifier and the second client status identifier indicate the accurate presence information for the user *when the first client status identifier and the second client status identifier have a same priority level* based on the prioritized plurality of client status identifiers,” and “populating a master view *with the accurate presence information* for the user,” as recited in claim 33 (emphasis added). Therefore, claim 33 is allowable over Bunney.

Shah fails to compensate for the deficiencies of Bunney. Shah relates to a server and method for routing messages to permit unified communications where a user has more than one personal messaging device and desires to receive notifications via a preferred routing topology. (Shah, Abstract.) Specifically, Shah teaches that a user may have multiple computers (e.g. subscribers) logged-on to a web server, where each of the multiple computers may simultaneously run a routing client. (Shah, col. 5, ll. 33-39.) The server maintains a list of users that are currently logged-on to the server and the server can provide a log-on status of each user in the sender’s groups. (Shah, col. 12, ll. 13-24.) The server also designates a newly logged-on client as a “primary client” and forces other clients (e.g., associated with a user) to become “passive” clients. (Shah, col. 14, ll. 13-41.) Once a client is instructed to become passive, then the new client transfers its routing preferences, which routes messages according to these preferences. (Shah, Col. 14, 51-54.)

Thus, Shah also fails to teach or suggest, *inter alia*, “*prioritizing a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is ordered from a lowest priority level to a highest priority level,*” “*determining accurate presence information for the user, wherein determining the accurate presence information for the user comprises: determining that the first client status identifier indicates the accurate presence information for the user when the first client status identifier has a higher priority level than the second client status identifier* based on the prioritized plurality of client status identifiers; determining that the second client status identifier indicates the accurate presence information for the user *when the*

*second client status identifier has a higher priority level than the first client status identifier based on the prioritized plurality of client status identifiers; and determining that both the first client status identifier and the second client status identifier indicate the accurate presence information for the user when the first client status identifier and the second client status identifier have a same priority level based on the prioritized plurality of client status identifiers,”* and “populating a master view *with the accurate presence information* for the user,” as recited in claim 33 (emphasis added). As such, claim 33 is allowable over Bunney in view of Shah.

The other independent claims recite similar limitations and are allowable over Bunney in view of Shah for at least the same reasons. Specifically, claim 41 recites, *inter alia*, “prioritizing a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is *ordered from a lowest priority level to a highest priority level*,” “determining accurate presence information for the user comprising determining whether the first client status identifier or the second client status identifier has a higher priority level based on the prioritized plurality of client status identifiers, *wherein a client status identifier having a higher priority level indicates the accurate presence information for the user*,” and “populating a master view with the accurate presence information” (emphasis added). Claim 49 recites, *inter alia*, “prioritizing a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is *ordered from a lowest priority level to a highest priority level*,” “determining accurate presence information for the user comprising determining whether the first client status identifier or the second client status identifier has a higher priority level based on the prioritized plurality of client status identifiers, *wherein a client status identifier having a higher priority level indicates the accurate presence information for the user*,” and “populating a master view with the accurate presence information” (emphasis added). As such, claims 41 and 49 are not rendered obvious by Bunney in view of Shah and are allowable for at least the same reasons as claim 33.

The dependent claims, *i.e.* claims 34-38, 42-46, and 50-54, incorporate all of the limitations of the above independent claims, respectively, and are allowable over the cited references for at least the same reasons. As such, Applicants respectfully request withdrawal of the rejection and allowance of claims 33-38, 41-46, and 49-54 at the Examiner’s earliest convenience.

**Claim Rejections Under § 103(a) – Bunney in view of Shah and Aravamudan**

Claims 39 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney in view of Shah and in further view of Aravamudan. Applicants respectfully traverse the § 103(a) rejections because either the Examiner failed to state a *prima facie* case of obviousness or the current amendments to the claims now render the Examiner's arguments moot.

As discussed above, Bunney and Shah fail to render independent claims 33, 41, and 49 obvious. Aravamudan fails to compensate for the deficiencies of Bunney and Shah. Aravamudan discloses a “unified messaging solution and services platform . . . by utilizing the features and capabilities associated with instant messaging to locate a registered user, query the user for a proposed message disposition, and coordinate services among a plurality of communication devices.” (Aravamudan, Abstract.) Specifically, Aravamudan discloses a prioritized buddy system wherein a buddy assigned a high priority and an active status “will be notified via the IM server of the user's ‘real presence’ when the user accesses the network via any of his provisioned CPE.” (*Id.*, col. 10, ll. 2-6.) Alternately, if a buddy is assigned a low priority, the buddy will “always discern the presence of a user's proxy . . . however, will not be able to determine the ‘real presence.’” (*Id.*, ll. 22-25.) That is, a low priority buddy will always view the proxy “whether or not the user is online or off-line.” (*Id.*, ll. 25-26.)

However, Aravamudan fails to disclose “*prioritizing a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is ordered from a lowest priority level to a highest priority level,*” as recited in claim 33. Rather, Aravamudan discloses *prioritizing buddies* such that a “high priority” buddy will receive a user's “real presence.” Further, although Aravamudan may disclose that some buddies receive “real presence” of a user, Aravamudan does not disclose a method for “*determining accurate presence information for the user,*” as recited in claim 33. Thus, Aravamudan also fails to teach or suggest, *inter alia*, “*prioritizing a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is ordered from a lowest priority level to a highest priority level,*” “*determining accurate presence information for the user,* wherein determining the accurate presence information for the user comprises: determining that the first client status identifier indicates the accurate presence information for the user *when the first client status identifier has a higher*



*priority level than the second client status identifier based on the prioritized plurality of client status identifiers; determining that the second client status identifier indicates the accurate presence information for the user when the second client status identifier has a higher priority level than the first client status identifier based on the prioritized plurality of client status identifiers; and determining that both the first client status identifier and the second client status identifier indicate the accurate presence information for the user when the first client status identifier and the second client status identifier have a same priority level based on the prioritized plurality of client status identifiers,” and “populating a master view with the accurate presence information for the user,” as recited in claim 33 (emphasis added).* As such, claim 33 is allowable over Bunney in view of Shah and Aravamudan.

The other independent claims recite similar limitations and are allowable over Bunney in view of Shah and Aravamudan for at least the same reasons, as discussed above. As such, claims 41 and 49 are not rendered obvious by Bunney in view of Shah and Aravamudan and are allowable for at least the same reasons as claim 33.

The dependent claims, *i.e.* claims 39 and 55, incorporate all of the limitations of the above independent claims, respectively, and are allowable over the cited references for at least the same reasons. As such, Applicants respectfully request withdrawal of the rejection and allowance of claims 39 and 55 at the Examiner’s earliest convenience.

**Claim Rejections Under § 103(a) – Bunney in view of  
Shah, Aravamudan, and “official notice”**

Claims 40, 47, 48, and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney in view of Shah and Aravamudan and in further view of “official notice.” Applicants respectfully traverse the § 103(a) rejections because either the Examiner failed to state a *prima facie* case of obviousness or the current amendments to the claims now render the Examiner’s arguments moot.

As discussed above, Bunney, Shah, and Aravamudan fail to render independent claims 33, 41, and 49 obvious. Official Notice can not be used to compensate for the deficiencies of Bunney, Shah, and Aravamudan. The Examiner seeks to cite “office notice” that “both the

concept and the advantages of a client status identifier being 'idle' . . . and of a client status identifier being 'at lunch' are well known in the art." Even if these concepts were known in the art, and Applicants do not acquiesce or agree in any way with this assertion, Applicants respectfully note that this does not provide any form of prioritizing the client status identifiers or determining accurate presence information for a user.

Thus, the official notice fails to teach or suggest, *inter alia*, "prioritizing a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is *ordered from a lowest priority level to a highest priority level*," "determining accurate presence information for the user, wherein determining the accurate presence information for the user comprises: determining that the first client status identifier indicates the accurate presence information for the user *when the first client status identifier has a higher priority level than the second client status identifier* based on the prioritized plurality of client status identifiers; determining that the second client status identifier indicates the accurate presence information for the user *when the second client status identifier has a higher priority level than the first client status identifier* based on the prioritized plurality of client status identifiers; and determining that both the first client status identifier and the second client status identifier indicate the accurate presence information for the user *when the first client status identifier and the second client status identifier have a same priority level* based on the prioritized plurality of client status identifiers," and "populating a master view *with the accurate presence information* for the user," as recited in claim 33 (emphasis added). As such, claim 33 is allowable over Bunney, Shah, and Aravamudan in view of official notice.

The other independent claims recite similar limitations to those of claim 33 and are allowable over Bunney, Shah, and Aravamudan in view of official notice for at least the same reasons, as discussed above. As such, claims 41 and 49 are not rendered obvious by Bunney, Shah, and Aravamudan in view of official notice and are allowable for at least the same reasons as claim 33.

The dependent claims, *i.e.* claims 40, 47, 48, and 56, incorporate all of the limitations of the above independent claims, respectively, and are allowable over the cited references in view

of official notice for at least the same reasons. As such, Applicants respectfully request withdrawal of the rejection and allowance of claims 40, 47, 48, and 56 at the Examiner's earliest convenience.

### CONCLUSION

This Amendment fully responds to the Office Action mailed on June 19, 2009. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the references of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

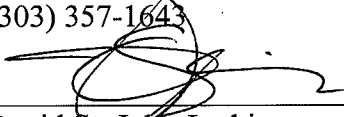
It is believed that no further fees are due with this Response. As September 19, 2009, fell on a Saturday, this Amendment and Response should be considered timely filed today, *i.e.*, Monday, September 21, 2009. However, please consider this a request for any extension of time necessary to enter this Amendment and Response if applicable. The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(303) 357-1643

Date: September 21, 2009



---

David St. John-Larkin  
Reg. No. 56,924